

SIXTY-FIRST DAY
(Continued)
(Thursday, May 2, 1985)

AFTER RECESS

The Senate met at 8:15 o'clock a.m. and was called to order by Senator Blake.

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Blake in Chair) announced that the time had arrived for consideration of the Local and Uncontested Bills Calendar.

The regular order of business having been suspended by provisions of S.R. 8, adopted by the 69th Legislature, the following bills/resolutions were laid before the Senate, read second time, passed to engrossment/third reading, read third time and passed: (Sponsor, vote on Constitutional Three-day Rule and final passage indicated after caption of each bill).

S.C.R. 84 (Barrientos) Granting Maria Candelaria Solis permission to sue the State of Texas. (vv)

S.B. 382 (Mauzy) Relating to notice of attainment of a worker's compensation judgment in county and district courts. (30-1) Washington "Nay" (31-0)

C.S.S.B. 482 (Edwards) Relating to the payment of suspense and trust fund warrants issued by the Comptroller of Public Accounts. (30-1) Washington "Nay" (31-0)

C.S.S.B. 483 (Parker) Relating to disciplinary actions by the State Board of Pharmacy; reporting by peer group review committees and professional committees. (30-1) Washington "Nay" (31-0)

S.B. 596 (Barrientos) Relating to violation of the Vital Statistics Act. (30-1) Washington "Nay" (31-0)

S.B. 615 (Barrientos) Relating to the meetings at which the commissioners court of a county may conduct business. (30-1) Washington "Nay" (31-0)

S.B. 627 (Brooks) Relating to the authority of commissioners courts in certain counties to provide child-care services to benefit the employees and jurors of the counties. (30-1) Washington "Nay" (31-0)

C.S.S.B. 632 (Brooks) Relating to the licensing and regulation of psychologists. (30-1) Washington "Nay" (31-0)

S.B. 656 (Brooks) Relating to confidentiality of certain records of committees of hospitals and medical organizations. (30-1) Washington "Nay" (31-0)

S.B. 700 (McFarland) Relating to the creation of cultural education facilities finance corporations. (30-1) Washington "Nay" (31-0)

Senator McFarland offered the following committee amendment to the bill:

Amend **S.B. 700** as follows:

On line 6, page 4, delete the period after the word facilities and add the following additional language:

“, located within the state, whether or not constructed or acquired before or after the effective date of this act.”

Amend SECTION 3. by the addition of a new paragraph (9) to read as follows:

"(9) "Furnishings" shall include, but not be limited to, works of art, books, artifacts, scientific instruments, stage sets, musical scores, collections and other property necessary or useful for the purposes of the cultural facility."

On motion of Senator McFarland and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

S.B. 711 (Harris) Amending Section 70.08 (a), Texas Education Code to increase the Student Union Fee at The University of Texas at Dallas. (30-1) Washington "Nay" (31-0)

Senator Harris offered the following committee amendment to the bill:

Amend **S.B. 711** by striking SECTION 1 of the bill and substituting in lieu thereof the following:

SECTION 1. Section 70.08(a), Texas Education Code is amended to read as follows:

(a) The board may levy a student union fee, not to exceed \$25 [~~\$15~~] per student for each regular semester and not to exceed \$12.50 [~~\$7.50~~] per student for each term of the summer session, for the sole purpose of financing, constructing, operating, maintaining, and improving a student union building; provided, however, that the fee may not be increased above \$15 per student for each regular semester and \$7.50 per student for each term of the summer session unless the increase is approved by a majority vote of those students participating in a general election held for that purpose. The fees herein authorized to be levied are in addition to any use or service fee now or hereinafter authorized to be levied.

On motion of Senator Harris and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

S.B. 806 (Brooks) Relating to financial procedures of hospitals. (30-1) Washington "Nay" (31-0)

S.B. 811 (Blake) Relating to the authority of legislative agencies to make agreements among themselves. (30-1) Washington "Nay" (31-0)

S.B. 813 (Blake) Relating to adoption of a nonsubstantive revision of the statutes relating to the legislative branch of government. (30-1) Washington "Nay" (31-0)

S.B. 827 (Traeger) Relating to the creation of a higher education consortium for the coordination of allied health and nursing education resources in South Texas. (30-1) Washington "Nay" (31-0)

S.B. 876 (Brooks) Relating to the provision of and eligibility for kidney health care services. (30-1) Washington "Nay" (31-0)

S.B. 901 (Brown) Relating to refunding bonds, and providing alternate and additional authority, procedures, and methods to governmental entities for issuing and selling refunding bonds and/or making deposits..... (30-1) Washington "Nay" (31-0)

C.S.S.B. 909 (Mauzy) Relating to the enforcement of settlement agreements in worker's compensation cases. (30-1) Washington "Nay" (31-0)

S.B. 910 (Mauzy) Relating to the deletion of budget brackets from Article 8309h, Section 2b. (30-1) Washington "Nay" (31-0)

S.B. 956 (Howard) Relating to providing fidelity bonds for officers, employees, directors, and partners of health maintenance organizations and to certification of taxes paid by health maintenance organizations. (30-1) Washington "Nay" (31-0)

C.S.S.B. 1055 (Henderson) Relating to adoption by estoppel of a child who dies before its adoption is finalized and to the birth and death records of that child. (30-1) Washington "Nay" (31-0)

S.B. 1059 (Barrientos) Relating to the reimbursement of Travis County by other counties in the Third Supreme Judicial District for certain costs pertaining to that court of appeals. (30-1) Washington "Nay" (31-0)

S.B. 1105 (Barrientos) Relating to records of births and deaths. (30-1) Washington "Nay" (31-0)

C.S.S.B. 1126 (Glasgow) Relating to the State Board of Insurance summary procedures for routine matters. (29-2) Mauzy, Washington "Nay" (30-1) Mauzy "Nay"

S.B. 1185 (Traeger) Relating to the regulation of water well and injection well drillers; providing a penalty. (30-1) Washington "Nay" (31-0)

S.B. 1224 (Blake) Relating to the conveyance of certain land in Tyler County under the control of the General Land Office in exchange for certain land in Cherokee County under the control of the board of regents of The Texas. (30-1) Washington "Nay" (31-0)

C.S.S.B. 1232 (Mauzy) Relating to the designation of a homestead. (30-1) Washington "Nay" (31-0)

S.B. 1234 (Mauzy) Relating to hours of labor and compensation for overtime of peace officers in certain counties. (30-1) Washington "Nay" (31-0)

Senator Mauzy offered the following committee amendment to the bill:

Amend **S.B. 1234** on line 21 by deleting the word "September" and inserting in lieu thereof the word "October".

On motion of Senator Mauzy and by unanimous consent, the caption was amended to conform to the caption of the bill as amended.

C.S.S.B. 1270 (Mauzy) Relating to the appointment of masters in certain district courts in Dallas County. (30-1) Washington "Nay" (31-0)

S.B. 1292 (Caperton) Relating to habeas corpus appeals and discretionary review in cases involving extradition or the setting or reduction of bail. (30-1) Washington "Nay" (31-0)

S.B. 1293 (Brooks) Relating to the operation of public school educational programs at The University of Texas Medical Branch at Galveston. (30-1) Washington "Nay" (31-0)

H.C.R. 2 (Brooks) Expressing support of enhanced health education in grades Kindergarten through 12th. (vv)

H.C.R. 4 (Brooks) Expressing support of the goal of a smokeless teenage society by the year 2000. (vv)

H.C.R. 6 (Brooks) Directing state agencies to cooperate in the implementation of recommendations of the Legislative Task Force on Cancer in Texas. (vv)

H.C.R. 53 (Barrientos) Granting Cecil Middleton permission to sue the State of Texas. (vv)

H.C.R. 85 (Barrientos) Granting Gilberto de Jesus Cruz and Dora H. Evans permission to sue the State of Texas. (vv)

H.C.R. 90 (Caperton) Granting Sisters of St. Francis of St. Jude Hospital of Brenham, Texas permission to sue the State of Texas. (vv)

H.C.R. 91 (Sims) Granting Petty General Construction Company, Inc. permission to sue the State of Texas. (vv)

H.C.R. 101 (Blake) Granting Mongo P. Edmondson, E. M. (Boggy) James, Home Equity Company and Fern L. James permission to sue the State of Texas. (vv)

H.C.R. 122 (Barrientos) Granting Frances Dee Cooper and Geoffrey Wayne Chandler permission to sue the State of Texas. (vv)

H.C.R. 138 (Blake) Authorizing appointment of joint study committees during the legislative interim. (vv)

Senator Blake offered the following committee amendment to the resolution:

Amend **H.C.R. 138** by inserting between the 10th and 11th resolving clauses the following:

“RESOLVED, That, on approval of the lieutenant governor and speaker of the house, all member and appointee expenses and other necessary operating expenses of each committee may be paid from funds appropriated to the Texas Legislative Council; and, be it further”.

H.B. 123 (Montford) Relating to the number of election clerks required to be appointed for county elections precincts. (30-1) Washington “Nay” (31-0)

H.B. 508 (McFarland) Relating to the use of safety equipment on school buses stopping on a highway to unload children. (30-1) Washington “Nay” (31-0)

H.B. 729 (Brooks) Relating to the employment of a private investigator by the State Board of Morticians. (30-1) Washington “Nay” (31-0)

C.S.H.B. 851 (Montford) Relating to fees charged by county clerks and clerks of county courts for certain probate services. (30-1) Washington “Nay” (31-0)

H.B. 1011 (Krier) Relating to the Bexar County Child Support Services Department and to legal services and child support collection fees in Bexar County. (30-1) Washington “Nay” (31-0)

H.B. 1085 (Henderson) Relating to the creation, boundaries, administration, powers, duties, operation, and financing of the Cinco Municipal Utility District No. 1. (30-1) Washington “Nay” (31-0)

Senator Henderson offered the following committee amendment to the bill:

Committee Amendment to **H.B. 1085**. Insert the following new Section 7, and renumber subsequent Sections 8-11.

The District shall adopt and implement a program of water conservation consistent with rules and criteria duly adopted and enforceable by the Texas Department of Water Resources for similarly situated districts in the region. A program of water conservation means the practices, techniques, and technologies which will reduce the consumption of water, reduce the loss or waste of water, improve efficiency in the use of water, or increase the recycling and reuse of water so that a water supply is made available for future or alternative uses.

On motion of Senator Henderson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 1086 (Henderson) Relating to the creation, boundaries, administration, powers, duties, operation, and financing of the Cinco Municipal Utility District No. 2. (30-1) Washington "Nay" (31-0)

Senator Henderson offered the following committee amendment to the bill:

Committee Amendment to **H.B. 1086**. Insert the following new Section 7, and renumber subsequent Sections 8-11.

The District shall adopt and implement a program of water conservation consistent with rules and criteria duly adopted and enforceable by the Texas Department of Water Resources for similarly situated districts in the region. A program of water conservation means the practices, techniques, and technologies which will reduce the consumption of water, reduce the loss or waste of water, improve efficiency in the use of water, or increase the recycling and reuse of water so that a water supply is made available for future or alternative uses.

On motion of Senator Henderson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 1087 (Henderson) Relating to the creation, boundaries, administration, powers, duties, operation, and financing of the Cinco Municipal Utility District No. 3. (30-1) Washington "Nay" (31-0)

Senator Henderson offered the following committee amendment to the bill:

Committee Amendment to **H.B. 1087**. Insert the following new Section 7, and renumber subsequent Sections 8-11.

The District shall adopt and implement a program of water conservation consistent with rules and criteria duly adopted and enforceable by the Texas Department of Water Resources for similarly situated districts in the region. A program of water conservation means the practices, techniques, and technologies which will reduce the consumption of water, reduce the loss or waste of water, improve efficiency in the use of water, or increase the recycling and reuse of water so that a water supply is made available for future or alternative uses.

On motion of Senator Henderson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 1088 (Henderson) Relating to the creation, boundaries, administration, powers, duties, operation, and financing of the Cinco Municipal Utility District No. 4. (30-1) Washington "Nay" (31-0)

Senator Henderson offered the following committee amendment to the bill:

Committee Amendment to **H.B. 1088**. Insert the following new Section 7, and renumber subsequent Sections 8-11.

The District shall adopt and implement a program of water conservation consistent with rules and criteria duly adopted and enforceable by the Texas Department of Water Resources for similarly situated districts in the region. A program of water conservation means the practices, techniques, and technologies which will reduce the consumption of water, reduce the loss or waste of water, improve efficiency in the use of water, or increase the recycling and reuse of water so that a water supply is made available for future or alternative uses.

On motion of Senator Henderson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 1089 (Henderson) Relating to the creation, boundaries, administration, powers, duties, operation, and financing of the Cinco Municipal Utility District No. 5. (30-1) Washington "Nay" (31-0)

Senator Henderson offered the following committee amendment to the bill:

Committee Amendment to **H.B. 1089**. Insert the following new Section 7, and renumber subsequent Sections 8-11.

The District shall adopt and implement a program of water conservation consistent with rules and criteria duly adopted and enforceable by the Texas Department of Water Resources for similarly situated districts in the region. A program of water conservation means the practices, techniques, and technologies which will reduce the consumption of water, reduce the loss or waste of water, improve efficiency in the use of water, or increase the recycling and reuse of water so that a water supply is made available for future or alternative uses.

On motion of Senator Henderson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 1090 (Henderson) Relating to the creation, boundaries, administration, powers, duties, operation, and financing of the Cinco Municipal Utility District No. 6. (30-1) Washington "Nay" (31-0)

Senator Henderson offered the following committee amendment to the bill:

Committee Amendment to **H.B. 1090**. Insert the following new Section 7, and renumber subsequent Sections 8-11.

The District shall adopt and implement a program of water conservation consistent with rules and criteria duly adopted and enforceable by the Texas Department of Water Resources for similarly situated districts in the region. A program of water conservation means the practices, techniques, and technologies which will reduce the consumption of water, reduce the loss or waste of water, improve efficiency in the use of water, or increase the recycling and reuse of water so that a water supply is made available for future or alternative uses.

On motion of Senator Henderson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 1091 (Henderson) Relating to the creation, administration, powers, duties, operation, and financing of the Cinco Municipal Utility District No. 7. (30-1) Washington "Nay" (31-0)

Senator Henderson offered the following committee amendment to the bill:

Committee Amendment to **H.B. 1091**. Insert the following new Section 7, and renumber subsequent Sections 8-11.

The District shall adopt and implement a program of water conservation consistent with rules and criteria duly adopted and enforceable by the Texas Department of Water Resources for similarly situated districts in the region. A program of water conservation means the practices, techniques, and technologies which will reduce the consumption of water, reduce the loss or waste of water, improve efficiency in the use of water, or increase the recycling and reuse of water so that a water supply is made available for future or alternative uses.

On motion of Senator Henderson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 1092 (Henderson) Relating to the creation, boundaries, administration, powers, duties, operation, and financing of the Cinco Municipal Utility District No. 8. (30-1) Washington "Nay" (31-0)

Senator Henderson offered the following committee amendment to the bill:

Committee Amendment to **H.B. 1092**. Insert the following new Section 7, and renumber subsequent Sections 8-11.

The District shall adopt and implement a program of water conservation consistent with rules and criteria duly adopted and enforceable by the Texas Department of Water Resources for similarly situated districts in the region. A program of water conservation means the practices, techniques, and technologies which will reduce the consumption of water, reduce the loss or waste of water, improve efficiency in the use of water, or increase the recycling and reuse of water so that a water supply is made available for future or alternative uses.

On motion of Senator Henderson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 1093 (Henderson) Relating to the creation, boundaries, administration, powers, duties, operation, and financing of the Cinco Municipal Utility District No. 9. (30-1) Washington "Nay" (31-0)

Senator Henderson offered the following committee amendment to the bill:

Committee Amendment to **H.B. 1093**. Insert the following new Section 7, and renumber subsequent Sections 8-11.

The District shall adopt and implement a program of water conservation consistent with rules and criteria duly adopted and enforceable by the Texas Department of Water Resources for similarly situated districts in the region. A program of water conservation means the practices, techniques, and technologies which will reduce the consumption of water, reduce the loss or waste of water, improve efficiency in the use of water, or increase the recycling and reuse of water so that a water supply is made available for future or alternative uses.

On motion of Senator Henderson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 1105 (Parmer) Relating to the authority of an incorporated city or town to enforce, in its corporate limits, the Solid Waste Disposal Act and rules adopted and permits and orders issued under that Act. (30-1) Washington "Nay" (31-0)

H.B. 1462 (Sims) Relating to standards for reporting oil and gas royalties. (30-1) Washington "Nay" (31-0)

Senator Sims offered the following committee amendment to the bill:

Amend **H.B. 1462**, Sec. 91.503, Natural Resources Code, to read as follows:

"Sec. 91.503. LEASE, PROPERTY, OR WELL NAME. If a lease, property, or well identification number is used under Subdivision (1) of Section 91.502 of this code, the person making the payment must provide prior to or with the first payment to which this subchapter applies the lease, property, or well name to which the lease, property, or well number refers."

On motion of Senator Sims and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 1830 (Williams) Relating to vacancies in fire and police departments, and declaring an emergency. (30-1) Washington "Nay" (31-0)

H.B. 2153 (Montford) Relating to motor vehicles used to transport or manufacture concrete. (30-1) Washington "Nay" (31-0)

MESSAGE FROM THE HOUSE

House Chamber
May 2, 1985

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 60, Relating to the joinder of offenses occurring in the same criminal episode.

H.B. 387, Relating to the placement of reading devices for blind and visually handicapped persons in public libraries in certain cities and in the libraries of state institutions of higher learning.

H.B. 623, Relating to immunity for the reporting of child abuse.

H.B. 873, Relating to restricting issuance of permits by the Texas Department of Health for solid waste facilities in certain counties.

H.B. 916, Relating to competitive bidding on public works contracts.

H.B. 994, Relating to the reimbursement of Travis County by other counties in the Third Supreme Judicial District for certain costs pertaining to that court of appeals.

H.B. 1191, Relating to credit in the Employees Retirement System of Texas for certain service performed by persons who became highway department employees.

H.B. 1584, Relating to the authorization and regulation of single purpose health care plans as health maintenance organizations.

H.B. 1824, Relating to the authority of political subdivisions, on the request of an employee, to deduct from the employee's salary for tax-sheltered annuities and investments, the exclusive control of ...

H.B. 1953, Relating to the regulation of the purchase and sale of certain motor vehicles.

H.B. 2119, Relating to rental-purchase agreements.

H.B. 2168, Relating to an inservice program on the recognition of dyslexia and related disorders in public school students and on teaching strategies for those students.

H.B. 2182, Relating to the regulation of real estate inspectors; providing a penalty.

H.B. 2229, Relating to persons who may be designated life insurance counselors.

H.B. 1866, Relating to permitting a well to produce in excess of its allowable, to allowing a well to be put on a reduced allowable rather than shut in, to carrying forward natural gas underproduction past two six month periods.

H.B. 1808, Relating to the application of the Texas Life, Health and Accident Guaranty Act.

H.B. 1805, Relating to the requirements for obtaining a certificate of title to certain motor vehicles.

H.B. 1736, Relating to the continuation of a worker's lien against certain property relinquished by the worker.

H.B. 1883, Relating to liability for persons ordering or administering required immunizations.

The House has suspended all necessary rules and the House has concurred in Senate amendments to **H.B. 955** by a record-vote of 121 ayes, 9 noes and 2 present not voting. Passed, subject to Art. III, Sec. 49a, Texas Constitution.

The House refused to concur in Senate amendments to **H.B. 632** and has requested the appointment of a Conference Committee to consider the differences between the two Houses. House Conferees: Jackson, Chairman; Tejada, T. Smith, Morales, Hury.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

BILLS REMOVED FROM LOCAL AND UNCONTESTED BILLS CALENDAR

Number	Senators Objecting
S.B. 260	Leedom, Blake
S.B. 812	Barrientos, Mauzy
S.B. 1074	Williams, Brown
S.B. 1324	Sims, Blake
S.B. 1339	Sims, Blake

CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Blake in Chair) announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

ADJOURNMENT

On motion of Senator Mauzy, the Senate at 8:44 o'clock a.m. adjourned until 9:00 o'clock a.m. today.

SIXTY-SECOND DAY (Thursday, May 2, 1985)

The Senate met at 9:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Washington, Whitmire, Williams.

Absent-excused: Santiesteban.

A quorum was announced present.

Senator Roy Blake offered the invocation.

On motion of Senator Mauzy and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.